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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,095	04/24/2001	Renato Caretta	7040.0023.01	5968

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/840,095	Applicant(s) CARETTA ET AL.	
	Examiner Geoffrey L. Knable	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 27-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date, _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 17, 2004 has been entered with the filing of the 7-21-2004 RCE.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 27, 30-34, 38, 40-42, 45-56, 59-63, 67, 69-71 and 74-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 384,231 taken in view of Herbelleau et al. (US 5,660,656) and/or Drakeford et al. (US 3,072,171) and optionally further in view of at least one of Frazier (US 3,240,250 – newly cited), Markow (US 4,673,014 – newly cited) and Hayashi et al. (US 5,529,105 – newly cited).

The independent claims have been amended to define that the crown extends in a substantially parallel plane with edges of consecutive strips abutting evenly along their entire crown portion between transition regions. A complete reading of FR '231 however would seem to indicate that these requirements are taught. In particular, note that this reference describes that the strips contact one another "at the mandrel periphery" (page 2, lines 1-2 of translation) and are arranged to provide a "substantially flat rolling surface" (page 2, lines 12+ of the translation). In this regard, note that the filling linings "h" are expressly described/illustrated (figs. 4-5) as being present in the sides and beads but not present in the rolling band. Note that the beads/sides are

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described as "having a thickness which is twice that of the rolling band" (page 2, lines 17+ of the translation). FR '231 further indicates that the parts between the rolling band and the beads are subject to more deformation and wear and thus "with this system are reinforced due to the fact that strips are superposed upon each other" (last paragraph on page 3 of translation). It thus seems clear that this reference is disclosing a substantially flat crown or rolling surface/band where the strips would be in contact with one another but not overlapped and thus would suggest a configuration as now claimed.

The newly cited optional secondary references have been added to additionally show that providing tires with a substantially flat carcass crown are known and suitable in this art – note esp. Markow and Hayashi et al. Further, Frazier is also directed to forming a tire carcass using material strips and in particular would seem to further indicate that in forming a carcass structure using strips, it is known to provide the carcass with a flat crown – note esp. fig. 1. In light of these teachings, it is submitted that even if it were not deemed to have been an explicit teaching of FR '231 to provide the carcass with a substantially flat crown, it would have been obvious to so configure the carcass in such a conventional configuration for only the expected results.

4. Claims 28, 29, 39, 43-44, 57, 58, 68 and 72-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 384,231 taken in view of Herbelleau et al. (US 5,660,656) and/or Drakeford et al. (US 3,072,171) and optionally further in view of at least one of Frazier (US 3,240,250 – newly cited), Markow (US 4,673,014 – newly cited) and Hayashi et al. (US 5,529,105 – newly cited) as applied to claims 27, 30-34,

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38, 40-42, 45-56, 59-63, 67, 69-71 and 74-90 above, and further in view of Alderfer (US 3,826,297) as applied in the last office action.

5. Applicant's arguments filed May 17, 2004 have been fully considered but they are not persuasive.

The 35 USC 112 rejection has been withdrawn in light of the amendments to the claims.


As to the prior art rejections, applicant has argued with respect to FR '231 that "the presence of half strips or linings h physically prevent these edges from abutting evenly along their entire crown portions, as shown in Figs. 3-5." This argument has been carefully considered but is unpersuasive. As detailed within the statement of rejection above, FR '231 desires a **flat** rolling surface and in fact specifically indicates that the linings h end short of the rolling surface so that this flat surface can be achieved – this is in fact illustrated in fig. 4-5. As such, it is not considered that these linings would prevent the sections abutting in the crown as claimed. Note also the newly added optional secondary references.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
September 30, 2004